UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1998/SR.47
7 August 1998

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Fifty-fourth session

SUMMARY RECORD OF THE 47th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 15 April 1998, at 6 p.m.

Chairman:	Mr. HYNES (Vice-Chairman)	(Canada)
later:	Mr. GALLEGOS CHIRIBOGA (Vice-Chairman)	(Ecuador)
later:	Mr. SELEBI (Chairman)	(South Africa)

CONTENTS

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Commission at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.98-13534 (E)

In the absence of Mr. Selebi (South Africa), Mr. Hynes (Canada), Vice-Chairman, took the Chair.

The meeting was called to order at 6.05 p.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS (continued)

(agenda item 10) (continued) (E/CN.4/1998/3 and Corr.1, 9, 12-15, 55-67, 68 and Add.1-3, 69-73, 113, 114, 126, 127, 130, 132, 138, 139, 140/Rev.1, 142, 143, 147-150, 152, 154, 163 and 164; E/CN.4/1998/NGO/7, 13, 39, 40 and 101; A/52/472, 476, 479, 484, 486 and Add.1/Rev.1, 493, 505, 510 and 522)

1. Mr. OBIOZOR (Observer for Nigeria), speaking in exercise of the right of reply and in response to the comments made by the Special Rapporteur on the situation of human rights in Nigeria in introducing his report (E/CN.4/1998/62), reiterated that it had been only after an intensive search for a willing candidate that the present Rapporteur, Mr. Soli Sorabjee, had been appointed in October 1997 to perform a "hatchet" job on Nigeria. It was currently being established that the report presented that morning had been written for him by some human rights groups and NGOs based in London and Geneva - people who had no stake in the peace, stability and development of Nigeria. The entire report was flawed as it failed to reflect the actual situation in Nigeria. Any attempt to discuss it would be to accord credibility to its preposterous claims and unsubstantiated conclusions. It was, therefore, his delegation's view that, in the interest of the credibility of the Commission, that concocted report should be set aside and the Nigerian delegation be engaged in a constructive dialogue to deal with any issues of concern in Nigeria. The comprehensive statement made by the Foreign Minister of Nigeria that morning should form the reference point in such dialogue.

2. The CHAIRMAN said that the rather serious charges made against the secretariat and the Rapporteur in the representative of Nigeria's statement warranted careful consideration.

3. Mr. EL KHAZEN (Observer for Lebanon) said it was a regrettable coincidence that the celebration of the fiftieth anniversary of the Universal Declaration of Human Rights fell on the day on which the Israelis had invaded and occupied large areas of southern Lebanon 20 years previously, followed by occupation of West Bekaa in 1982. Those flagrant violations of international law and the United Nations Charter had been followed by large-scale military aggression, including artillery bombardments and aerial bombings which had resulted in numerous civilian casualties, the displacement of thousands of families, and widespread destruction of buildings and facilities. The Lebanese resistance, which Israel cited as a pretext for its military operations, was in fact a legitimate response to the illegal occupation. Israel's true objective was to hamper rehabilitation of the Lebanese economy. Recently Israeli aggression had taken the form of kidnapping civilians, subjecting them to ill-treatment and torture in the Khiyam detention centre,

and denying access to them by the Red Cross. Contrary to the 1949 Geneva Convention, a number of the detainees had been transferred to prisons inside Israel. The 4 March 1998 decision by the Israeli Supreme Court to retain them without trial as hostages and as bargaining-chips was both morally repugnant and contrary to those Conventions and the First Protocol.

4. For the past 20 years, Israel had consistently refused to comply with Security Council resolution 425 (1978) calling for a withdrawal from all Lebanese territory, and its latest proposal to accept the resolution and withdraw from South Lebanon in return for security arrangements was itself contrary to the resolution, which called for immediate, complete and unconditional withdrawal. Lebanon, which was committed to the achievement of a just and comprehensive peace in the region, was dismayed by the international community's toleration of Israel's defiance of the Security Council's resolutions, and deplored the double-standards policy practised in its favour. His Government looked forward to the day when the international community would take a just and firm stand, and compel Israel to respect international law and, by ceasing all violations of human rights, enable Lebanese citizens to live in peace and dignity.

5. Mr. KANAVIN (Observer for Norway) said that internal conflicts, as in Colombia and Sri Lanka, were a major cause of human rights violations. In the former Yugoslavia, ethnic Serbs were being harassed in East Slavonia, and ethnic Albanians and Muslims subjected to police repression in Kosovo and the Sandzak regions respectively. Armed attacks on civilians were occurring in Rwanda, and renewed violence was leading to population displacements in the Great Lakes region. Civilians continued to undergo severe suffering in southern Sudan, and such atrocities as the recent bombing of a hospital in Yei must be condemned by the international community.

6. His Government appreciated the increasing openness achieved in its dialogue with China and welcomed China's recently announced decision to sign the International Covenant on Civil and Political Rights. The harsh treatment of prisoners and extensive use of the death penalty continued, however, to cause concern, as did continued threats to the religious and cultural identity of the Tibetans. While the widening non-governmental participation in dialogue with the Turkish Government was to be welcomed, its decisions on reform must be put into practice, particularly with regard to the Kurdish population. While there had been recent signs of positive developments in the Islamic Republic of Iran, reform was still urgently needed, particularly in regard to the persecution of religious minorities. The fatwa proclaimed against the writer Salman Rushdie was totally unacceptable.

7. The situation in Iraq remained intolerable. His delegation shared European Union concern about human rights in Saudi Arabia, particularly in regard to the situation of women and freedom of religion or belief. In Nigeria, violations of the right to freedom of expression continued, and he appealed to the authorities of that country to stand by their promises of amnesty for political detainees. His delegation urged the Government of Myanmar to release all political prisoners and lift restrictions on Aung San Suu Kyi's freedom of movement. The recent ill-treatment and death in prison of Consul Nichols emphasized the need for further investigations.

8. More killings, disappearances and torture had been reported in East Timor, emphasizing the urgent need for Indonesia to respect human rights, including trade union rights. The international community must condemn unconditionally the slaughter of innocent people in Algeria. He urged the Algerian Government to invite the Special Rapporteurs on extrajudicial, summary or arbitrary executions and on torture to visit the country.

9. Mr. NSEIR (Observer for the Syrian Arab Republic) said that Israel had been occupying South Lebanon and West Bekaa for 20 years in defiance of Security Council resolution 425 (1978), which called for its immediate and unconditional withdrawal. The occupation, itself a violation of human rights, was exacerbated by the continuing detention of hundreds of Lebanese citizens without trial for use as bargaining-chips - a policy condoned by an Israeli Supreme Court decision. Daily bombings of villages were also being used to drive the civilian population out of the region. Israel was preventing relatives of detainees from visiting their children, refusing humanitarian bodies permission to visit the camps where mental and physical torture was practised, and continued to act in flagrant breach of the Fourth Geneva Convention. The Commission must condemn such practices, which violated both international law and United Nations resolutions.

10. Mr. ZUÑIGA (Observer for Nicaragua), referring to document E/CN.4/1998/69, said that the Special Rapporteur on Cuba continued to report persistent violations of fundamental human rights - a situation that contrasted with that in other Latin American countries, where there had been considerable progress.

11. Mr. FERNANDEZ (Cuba), speaking on a point of order, asked whether the secretariat had checked the identity of the representative speaking for Nicaragua. His name did not figure in the latest available attendance list. He in fact resembled a notorious terrorist of Cuban origin currently residing in Miami.

12. The CHAIRMAN said he was informed that the representative in question, Mr. Luis Zuñiga, was an accredited member of the Nicaraguan delegation.

13. Mr. ZUÑIGA (Observer for Nicaragua) said that the typical conduct of regimes violating human rights was to conceal their activities behind a legalistic façade while blocking all attempts to investigate their offences. Four successive generations of Cubans had had no experience of human rights; thousands had been killed and hundreds of thousands spiritually and physically abused; and as many as 10 per cent of the population had found refuge in exile. Currently, foreigners were being invited by the Cuban State to invest in local businesses while native Cubans were denied access to the best hotels, beaches and restaurants, which were reserved for foreigners and the governing elite. As objective reports showed, there was no respect in Cuba for human rights. The recent Decree No. 217 even forbade Cubans to move to the capital. The death penalty was still applied, and seven persons were currently awaiting execution, including the political prisoner Umberto Real Suarez.

14. Many persons of goodwill entertained hopes that there would be changes in Cuba, but those aware of the true situation knew that there could be no possibility of a voluntary change on the part of the authorities - a view

clearly confirmed by the Special Rapporteur's report. It was illusory to expect that Cuba's accession to the Convention against Torture would make any difference. He had in his possession three documents recently received from Cuban prisons, copies of which he had transmitted to the Committee against Torture, complaining of brutal and degrading treatment and deprivation of medical care. Any hopes that Cuba's signing of the Final Act of the Sixth Ibero-American Summit in Chile meant that it would honour the undertaking to accept political pluralism, the rule of law, democracy and respect for human rights would have been dashed when the release of 100 political prisoners promised to Pope John Paul II had been followed by the arrest and detention of a further 30 persons.

15. The CHAIRMAN said that the speaker had reached the end of his allotted time.

16. Mr. FERNANDEZ (Cuba), speaking on a point of order, said it was his impression that the impostor had already finished his statement before the Chairman had intervened.

17. The CHAIRMAN said he wished to remind the representative of Cuba of the duty of all participants to show proper respect for the Chair.

18. Mr. EFTYCHIOU (Observer for Cyprus) said that 24 years after the Turkish invasion and occupation of 37 per cent of the territory of the Republic of Cyprus, the human rights and fundamental freedoms of all Cypriots continued to be grossly violated. Turkey continued to maintain its 35,000 heavily-armed occupation troops, preventing the return of one third of the population forcibly expelled from their homes in 1974. It also continued its systematic colonization of the occupied area through the implantation of Turkish settlers, at present numbering almost 110,000, while the number of Turkish Cypriots had fallen from 120,000 to 89,000 - an indication of their reaction to living in the occupied area. The number of Greeks and Maronites remaining in that area had also fallen from 20,000 to only 619, despite the Third Vienna Agreement of 1975, which provided for normal living conditions in the enclave. The latest report by the Secretary-General (E/CN.4/1998/55) clearly indicated that most restrictions persisted, and indeed that further restrictions had been imposed, for example, an obligation for all persons wishing to travel between the occupied and government-controlled areas to produce passports or identity documents and pay a fee.

19. The occupation regime had also frozen all intercommunity activities in response to the European Union's announcement that Turkey's accession to membership was not under consideration. The problem of missing persons was still unresolved but an agreement reached on 31 July 1997 between President Clerides and the Turkish Cypriot leader, Mr. Denktash, had led to an initial exchange of information on burial sites, and it was hoped that other steps provided for in the agreement would be implemented. The cooperation and goodwill of all concerned were required to achieve further progress.

20. On the broader issue of human rights, the relevant United Nations resolutions and high-level agreements offered a sound basis for achieving a just and viable solution that would end the occupation of Cypriot territory

and guarantee the rights of all Cypriots. The Government of Cyprus was committed to constructive cooperation and only awaited a similar response from the Turkish side.

21. Mr. RAZZOOOI (Observer for Kuwait) said that the Special Rapporteur's impartial and objective report (E/CN.4/1998/67) presented a tragic picture of the human rights situation in Iraq, which had in fact deteriorated during 1997. The Special Rapporteur had called upon Iraq to cooperate with the Tripartite Commission in establishing the whereabouts and fate of several hundred missing persons, including prisoners of war, uncertainty about whom, prolonged by Iraq's continued policy of procrastination, was bringing anguish to every Kuwaiti home. Iraq had a moral as well as legal responsibility to implement its obligations under the four 1949 Geneva Conventions, particularly those relating to the treatment of prisoners of war and the protection of civilians in time of war.

22. He once again drew attention to Security Council resolution 686 (1991) calling on Iraq to release immediately all Kuwaiti and third-State nationals and return the remains of the deceased, and to Security Council resolution 687 (1991), operative paragraph 30 of which contained the same requirement. In spite of its written agreement to do so, Iraq had still not fulfilled that requirement. His Government called on the international community to stand firm on those issues and help it in recovering its missing prisoners of war.

23. Mr. KARAITIDIS (Observer for Greece) said that, 23 years after the Commission had adopted its first resolution on Cyprus, more than a third of Cypriot territory still remained under Turkish occupation, and nearly 200,000 Greek Cypriots were still being prevented from returning to their homes. All relevant Security Council resolutions had been ignored by Turkey, and the European Parliament had adopted a further resolution in April 1997 describing as inadmissible the conditions set by the occupation regime for a proposed visit by its members to the enclave, and condemning the persistent violations of human rights there. Turkey was making a sustained effort to alter the demographic balance of the island by illegally transplanting over 100,000 Turkish settlers to the occupied areas and forcing indigenous Turkish Cypriots to emigrate. Over 1,600 Greek Cypriots and Greeks were also missing as a result of Turkey's 1974 military operations.

24. The island's cultural heritage was being systematically destroyed: Greek Orthodox churches continued to be converted into mosques or hotels or restaurants, while priceless treasures and works of art were being destroyed or smuggled out of the country. The situation was not one where it was appropriate to call on all sides concerned to find a solution, since one side accepted the resolutions of the Security Council while the other refused to do so. The international community must demonstrate its determination to achieve a just and viable solution.

25. Mr. Gallegos Chiriboga (Ecuador), Vice-Chairman, took the Chair.

26. Mr. AL-CHEIKH (Observer for Saudi Arabia) said that his Government was resolute in promoting human rights and condemning their violation, and had repeatedly expressed its desire to cooperate in ensuring progress in those

areas. Some of the statements made at recent meetings were, however, negative in tone and contained baseless allegations that were an abuse of freedom of speech. They obstructed both real dialogue and the Commission's objective of strengthening human rights. He wished to assure those interested in the situation in his country that they had no grounds for concern. While many of the allegations made were generalizations, his delegation was ready to provide precise and detailed information on all cases that had been raised. His Government reaffirmed its readiness to make every effort to strengthen human rights for the benefit of all concerned.

27. Mr. NAZARIAN (Observer for Armenia) said that his delegation wished to associate itself with others which had called for the restoration of basic human rights and freedoms to the Greek Cypriots, Maronites, Armenians and other inhabitants of Cyprus, including the right to preserve their cultural heritage, which was being systematically destroyed. The most recent example of the systematic destruction of that heritage had been the looting of the St. Makar Monastery, an important religious site of the Armenian community, and its offer for lease as a hotel.

28. Believing that a secure environment was essential for the full enjoyment of human rights, including the right of self-determination, Armenia supported the people of Nagorny Karabakh, who had voted for national sovereignty in a constitutional and peacefully conducted referendum. The response of Azerbaijan had taken the form of organized pogroms and massacres of Armenians in a number of Azerbaijani cities during the period 1988-1991. To cover up recent crimes as well as those reaching back over the 70 years of its arbitrary jurisdiction over the territory, Azerbaijan had chosen 31 March as a commemorative day of alleged genocide committed against Azerbaijanis by so-called Armenian nationalists. The absurdity and offensiveness of that decree would be obvious to all who remembered the genocide that had led to the slaughter of 1.5 million Armenian men, women and children in April 1915. However, Armenia wished to look to the future. Standing as it did at the crossroads of three different civilizations, it was dedicated to the construction of a new society governed by the rule of law and unconditional respect for all basic human rights and freedoms.

29. Mr. VIGNY (Observer for Switzerland) said that his Government shared the Special Rapporteur's concern about the killings in Colombia carried out by security forces, paramilitary groups or private forces cooperating with the Government or tolerated by it, and the murder of numerous human rights activists in that country. The situation was also particularly alarming in India, Bolivia and Brazil, where deaths had resulted from the excessive use of force by the police, and in Algeria, where women and children were being massacred. Armed conflict was chiefly responsible for civilian victims in the Democratic Republic of the Congo, while the main factors in Algeria, Egypt, Sri Lanka and Turkey were terrorism and disproportionate repression. There had been a reduction in the number of extrajudicial, summary and arbitrary executions in a number of States, where the Special Rapporteur's recommendations were being followed, but that was far from being the case in Cambodia, Papua New Guinea, Romania and Yemen, which had failed to reply to the Special Rapporteur's communications over the past three years, and in the Democratic Republic of the Congo, Nepal and Pakistan, which had not replied over the past two years.

30. A particularly effective form of cooperation was the permission granted by Sri Lanka and the United States for field visits by the Special Rapporteur, and his Government hoped that similar visits would be authorized by Algeria, China, Turkey and India. Application of the death penalty must be subject to such guarantees as a right to fair trial by impartial and objective judges or juries, competent defence, provision for due hearing of all parties, the presumption of innocence, the right of appeal to a higher court, and the right to request commutation of a capital sentence. The death penalty must not be made applicable to minors, pregnant women and the insane, and must not be carried out beyond a certain number of years after delivery of the sentence. Switzerland reaffirmed its support for the Special Rapporteur, and appealed to the States under investigation to cooperate with the Commission's mechanisms and to permit field visits in particular.

31. Mr. ABEL (Observer for Myanmar) said that his Government was committed to the principles enshrined in the Charter and the Universal Declaration, and did not condone the violation of human rights. It had acceded to two core human rights instruments, the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women, the first in 1992 and the latter in 1997, and was actively implementing the provisions of those instruments.

32. In 1988 his Government had been compelled by circumstances to shoulder the responsibilities of State in an anarchic situation created by demonstrations in the name of democracy and human rights, which had degenerated into mob rule and threatened the disintegration of the country. Its principal objective was to lay a firm foundation for a peaceful, prosperous and modern State with a multi-party democratic system and a market economy, in which every citizen, irrespective of race, religion or sex, could enjoy human rights to the fullest. It had restored law and order and brought about national reconciliation and reconsolidation of the 135 races that made up the Union of Myanmar. It had persuaded 17 armed ethnic groups to come into the legal fold after 50 years of conflict with successive Governments, and there remained only one recalcitrant armed group, to which however it continued to hold out the olive branch.

33. Myanmar placed particular emphasis on economic development as a basis for the full enjoyment of human rights, and was establishing an agricultural and industrial infrastructure which would ultimately benefit the entire people. Allegations of human rights violations emanated primarily from the single remaining armed group financed from extraneous sources. He drew attention to document E/CN.4/1998/150, which contained a fuller account of the situation in his country.

34. Mr. MENDEZ (Commission for the Defence of Human Rights in Central America) said that, in spite of the peace processes carried through in recent years in Central America, grave violations of human rights persisted. The most recent example was provided by Guatemala, which, in spite of the signature in December 1996 of the Agreement on a Firm and Lasting Peace, and although there had been some improvements in the human rights situation, the right to due process and economic and social rights continued to be grossly violated. Underdevelopment had also worsened rather than improved in Guatemala. UNDP had noted that in 1997 the country had fallen in rate

of development from 112th place among developing countries to 117th; 14.5 per cent of the population died before the age of 40; 43 per cent had no access to health services; the richest 20 per cent had incomes 30 times higher than the poorest 20 per cent. Although having the largest economy in the area, Guatemala devoted the smallest proportion of GNP to public and social expenditures. While the great majority of the population could not afford access to due process, those worst off were the indigenous majority not only through poverty but because of the remoteness of the legal system from their customs and needs.

35. In Honduras human rights activists continued to be subjected to death threats, and his organization urged the Government to ensure that the lives and work of human rights defenders were effectively guaranteed. It also wished to record its grave concern about the criminal and destructive economic embargo imposed by the United States Government against the people of Cuba. In Mexico the recent deterioration in the human rights situation was exemplified by the Acteal massacre, whose perpetrators must be brought to trial. His organization urged the Commission to appoint a Special Rapporteur to report on the grave human rights situation in that country.

36. Mr. ALI (Afro-Asian People's Solidarity Organization) said that the General Assembly had rightly identified terrorism as the most dangerous of the threats confronting peoples around the world. Its mentors and practitioners were fostering violence as a creed divorced from political ideology and without respect for political systems or national borders. What made them particularly formidable was the encouragement they received from some nation States, which must be constrained from such action by the will of the international community.

37. Debates on the protection of human rights had little relevance for societies whose citizens were the target of wanton killings by groups that had wilfully placed themselves beyond the law. A starting point for action by the international community would be to penalize States that knowingly allowed their territory to be used for armed action by such groups against innocent civilians in neighbouring States. That might possibly be provided by the Convention on the Suppression of International Terrorism adopted by the General Assembly in 1997, which his organization called upon all States to ratify as soon as possible. One such terrorist group was the Harkat Ul Ansar, based in Pakistan, which had recently been banned by the United States. It had provided trained leadership for the Taliban, which was inflicting its brutality on the people of Afghanistan. The Commission demanded of States that they should guarantee the human rights of people. It should also be debating the activities of countries that armed and supported terrorist groups, and appropriate action to penalize them.

38. Mr. WONG (International Association for the Defence of Religious Liberty) said that, in February 1997, the Myanmar regime had begun a forcible relocation campaign in two areas of the northern Karen. Villagers who fled and were captured were forced to carry army supplies and placed in front of advancing troops to detonate mines. The troops had committed a number of atrocities against women and children and even pursued Karen refugees across the border into Thailand. In order to halt that genocide against the Karen people, his organization called for the following measures: international

economic sanctions against Myanmar; expulsion of that country from the Association of South-East Asian Nations (ASEAN); international recognition that the persecution of the Karen people amounted to genocide; provision for a permanent presence of United Nations human rights monitors in Myanmar to investigate reports of violations; assumption of responsibility by the United Nations High Commissioner for Refugees, limited to the protection and welfare of refugees in camps; extension by the Thai Government of the assistance and protection it was already affording refugees; provision for consultation with refugees on issues of protection and relocation; disciplinary measures by the Thai authorities against any of their soldiers committing human rights violations against the refugees.

39. Mr. ITTY (Anglican Consultative Council) said that his organization wished to bring to the attention of the Commission a number of grave concerns about the situation of the people of Myanmar: the unacceptable tolerance of human rights abuses by agents of the Government; continued and unchecked gross human rights violations, including extrajudicial, summary or arbitrary executions, the practice of torture and arbitrary arrests; restrictions on freedom of speech, opinion, expression and movement, and on freedom of assembly and association; forced labour, including service as porters for the military; continued abuse of women and children; and continued oppression of ethnic and religious minorities.

40. In view of the gravity of those violations, the lack of resolve on the part of the international community in bringing pressure to bear on the Government was especially alarming. His organization recommended that: those in power should be urged to set a timetable for a peaceful transition to democratic government; they should be held accountable for honouring the letter and spirit of international human rights conventions; they should be urged to comply with Commission resolution 1997/64, in particular by enabling the Special Rapporteur to conduct a first-hand investigation into the human rights situation; the States involved should desist from the sale, transport or distribution of arms within Myanmar and cooperate in imposing an embargo on weapons sales. History showed that it was possible for domestic reforms to be brought about through international public pressure, and the Commission should act quickly and responsibly to bring such pressure to bear.

41. Mr. NAJEEB KHAN (World Muslim Congress) said that the repeated refusal by the Indian Government to invite a visit by the Special Rapporteur on extrajudicial, summary or arbitrary executions was obviously intended to prevent him discovering the truth about the atrocities committed against the people of occupied Jammu and Kashmir by the Indian military and paramilitary forces and their hired renegades. According to the United States State Department report on human rights for 1997, those forces had carried out an estimated 100 to 220 extrajudicial killings, the bodies of the victims typically being discovered with multiple bullet wounds, and often marks of torture. Human rights activists had been a prime target for such violence, as in the case of Jalil Andrabi, abducted and murdered shortly before he had been due to attend the Commission's fifty-second session. His organization appealed to the Commission to mandate the Special Rapporteur to visit occupied Jammu and Kashmir and draw his own conclusions.

42. Mr. MARIÑO (Federation of Associations for the Defence and Promotion of Human Rights) said that his organization considered as ill-advised the Commission's decision to welcome the regulation by the Colombian Government of the so-called "Convivir" associations; it would merely contribute to the institutionalization of impunity in Colombia. The "Convivir" associations were an instrument of paramilitary groups, and their abolition had been called for by the Human Rights Committee, the Inter-American Human Rights Commission, the Office of the High Commissioner for Human Rights and its office in Colombia. His organization considered that the situation warranted the appointment of a special rapporteur on human rights in Colombia.

43. The situation in East Timor was extremely serious, particularly the existence of paramilitary groups practising genocide against the people of the region. The Indonesian Government should be pressed to permit a visit by the Special Rapporteur on torture and by various NGOs wishing to investigate violations of human rights, particularly the Santa Cruz massacre.

44. Other situations of particular concern to his organization were the failure of the Algerian Government to bring to trial those responsible for the widespread killings and torture perpetrated against the Algerian population, and to permit an investigation on its territory by independent observers. In Kosovo, the Serbian State was continuing to commit grave violations of basic human rights against the Albanians; the Commission should call for a halt to such crimes and compensation for the damage caused. His organization reaffirmed its support for a fair and open referendum to enable the people of Western Sahara to exercise their right to self-determination. The Commission should call upon the Moroccan Government to refrain from interfering in the conduct of the referendum, and request permission for an adequate number of independent observers to monitor the electoral campaign and the ballot. Finally, he called upon the Commission to address the question of the crimes against humanity committed by the Turkish State against the Kurds.

45. Mr. MIOT (International Federation of Rural Adult Catholic Movements) said that many grave violations of the human rights of rural populations, and particularly the right to life, had been brought to the attention of his organization. In Colombia, the number of murdered peasants was extremely alarming and the impunity enjoyed by paramilitaries, drug-traffickers and other criminals had forced many to abandon their lands and move to the towns, where they were reduced to helplessness and extreme poverty. In Brazil, there had been no improvement in the situation of indigenous peoples and successive Governments succumbed to the pressure of large landowners and major political interests. In India, repression of the Dalits had become increasingly harsh over recent months. In Egypt, peasants opposing the "Agricultural Property Act" had suffered severe repression by the Government. Among the motives for the murderous violence against smallholders in Algeria might well be a desire on the part of some people to acquire their land.

46. The worldwide movement "Via Campesina", which brought together 70 farmers' organizations from the five continents, had decided to make 17 April an International Day of Peasant Struggle in commemoration of the massacre of 19 peasants in the State of Pará in Brazil in 1996. The rural movements also agreed with the identification of impunity contained in Commission resolution 1997/61 as the main reason for the persistence of human

rights abuses, and supported the obligation it imposed on Governments to recognize the basic right of peasants to organize in defence of their human rights and to participate in decision-making of direct concern to them. They declared their determination: to defend the right to land; to promote an integrated economy through peasant organizations; to act in concert, nationally, continentally and worldwide, in opposing forces seeking to destroy not only their lives, but the lives of future generations.

47. Mr. DJONBALIC (Transnational Radical Party) said that systematic military and police repression by the Belgrade regime of Albanians in Kosovo, and in particular the inhuman violence practised against civilians in the area of Drenica had created a situation that threatened the stability of the entire region. Access by relief organizations to Drenica for the supply of food and medicine was proving extremely difficult. The situation called for more decisive steps than those taken at the London and Bonn meetings of the Contact Group, including the immediate investigation of the latest Drenica massacres. It was not enough to establish an arms embargo since the weaponry already available to Belgrade would suffice for several years. The Federal Republic of Yugoslavia should be urged to release all its political prisoners and withdraw all special police forces from Kosovo, whose demilitarization without preconditions was essential for a peaceful solution. The appointment of an international mediator would also be necessary if a lasting solution was to be reached.

48. In Tunisia, the Government was making systematic use of torture and other serious forms of repression in order to discourage and discredit political activists and human rights observers. His organization requested the Commission to bring pressure to bear on the Tunisian Government to release all political prisoners, and to allow its opponents to participate fully in political life. Another example of severe discriminatory economic and political repression was that perpetrated by the Chinese authorities in annexed territories, particularly Tibet, eastern Turkistan and Inner Mongolia, with the apparent objective of eradicating the cultures of the people concerned. Given the increasing instability in that region, it was high time the international community urged the Chinese authorities to ensure respect for human rights and fundamental freedoms.

49. Mr. MORA (Center for European Studies) said that, in devoting a considerable part of his report (E/CN.4/1998/69) to censuring Cuban democracy and its electoral system, the Special Rapporteur had apparently forgotten that the United Nations Charter and associated resolutions of the General Assembly recognized the right of every country to adopt the form of government and electoral system most suitable for its own interests. For all its detail, the report provided no evidence of tortures, extrajudicial executions, enforced disappearances, detainees held in custody for years, or people convicted by masked juries or on the evidence of masked witnesses and there was no evidence of unpunished political assassinations, death squads practising so-called "social cleansing" against street children and beggars, or the use of force against landless farmers - situations common in many Latin American countries that merited the appointment of Special Rapporteurs.

50. The report did, however, cite comments on various aspects of human rights in Cuba by various United Nations bodies that evidenced the cooperation

of the Cuban Government with them in the human rights field. It was a recognized fact that the United States blockade was highly detrimental to the situation of women, to the nutrition of children, and, indeed, to the whole population, including prisoners. There was in fact a marked inconsistency between the contents of the report and the draft resolution intended to provide a follow-up to it. The draft resolution submitted by the United States delegation reflected a lack of respect for the international community and should be rejected by all concerned with preserving the credibility of the United Nations bodies and instruments working for the promotion and protection of human rights.

51. There had, indeed, been gross, systematic and unpunished violations of the human rights of the Cuban people not only during the 50 years since the Universal Declaration but for a whole century since the time of United States military intervention in Cuba. Those violations had been perpetrated under a policy of subjugation and State terrorism waged against Cuba by successive United States Governments, culminating in the infamous Helms-Burton Act. His organization was fostering cooperation between Cuban and European NGOs concerned with the promotion of sustainable development for Cuba. On the other side were the big battalions in the form of NGOs such as "Freedom House" and "Pax Christi", which had received millions of dollars from the United States for their anti-Cuban campaigns. Such actions were aimed at undermining the growing role of civil society in dialogue and cooperation to safeguard the human rights of the Cuban people, on the basis of respect for its rights to self-determination, independence and sovereignty.

52. Ms. INAYATULLAH (Family Planning Association of Pakistan), speaking from her Kashmiri experience, said that when, in January 1990, the people of Kashmir had demanded the right to self-determination, they had been met with Indian bullets: over 600,000 troops had swept through the Kashmir valley. She called upon the Commission to reveal to the outside world the most bloody repression in contemporary history. NGOs and journalists must be free to visit and report on Kashmir, and freedom of movement must be restored to local leaders and civilians. Certain specific actions, all within the mandate of the Commission, were urgently required: the dispatch of a fact-finding mission to investigate the human rights situation; visits by relevant special rapporteurs; monitoring and confidential reporting by the International Committee of the Red Cross on medical conditions in camps and prisons, including undeclared detention and the use of torture; disarmament by the Indian Government of all military and paramilitary forces not established and regulated by law; and freedom of movement for Kashmiris to organize all forms of emergency relief.

53. Mr. SAZAWAL (European Union of Public Relations) said that Kashmir had once been cited as a place of ethnic and religious diversity, where ancient Hindu and Buddhist religions had been followed by Christianity and Islam. That delicate cultural balance had been slowly eroded over the past 50 years, but had been utterly and abruptly destroyed by the ethnic cleansing of Pandits perpetrated by jihad warriors armed and inspired by Pakistan. Over 1,000 Pandit intellectuals and senior government officials had been made the targets of selective assassination, followed by random killings, rapes and harassment that had led to a virtually complete exodus of the Pandit minority from Kashmir. In spite of the horrific dimensions of that genocide, it

remained almost unknown to the world at large, and no Western human rights organization had spoken on behalf of the Kashmiri Pandits. Among recent atrocities had been the barbaric killing of Pandits in the village of Wandahama earlier in the current year by Islamic insurgents, and the burning-down of a nearby Hindu temple. He implored the Commission to look attentively at the human dimension that was at the core of the Kashmiri problem. He appealed for justice and the survival of a people.

54. Mr. Selebi (South Africa) took the Chair.

55. Ms. MAZA (Service, Peace and Justice in Latin America) said that the deterioration in the human rights situation in Mexico was illustrated by the appalling massacre in Acteal, Chiapas, carried out by paramilitary forces; 45 men, women and children had been slaughtered a mere 200 metres from a public security post where police officers had stood by and watched what was going on. The involvement of municipal and State officials in the transport of arms for the paramilitary group had been established. That was no isolated event. In Chiapas alone there was evidence of the existence of nine paramilitary groups supported by the official party (Partido Revolucionario Institucional), which had been responsible for dozens of killings since 1995. Paramilitary groups existed in other States as well.

56. Arbitrary detention was frequently practised in Mexico, as was torture during police interrogations, in the majority of cases with total impunity, as noted by the Special Rapporteur on torture in the report on his recent visit to Mexico (E/CN.4/1998/38/Add.2). Submission of the Judiciary to the Executive was leading to a systematic denial of the principles of access to justice and of equality before the law. Since 1995, more than 100 defenders of human rights had been subjected to various forms of harassment, and Mexico stood close to the top of the list in Latin America for attacks on journalists.

57. The Government had also expelled representatives of international NGOs and foreign clergy, who had worked for decades in indigenous areas. Military intervention had had harmful social effects upon indigenous communities. The link between human rights violations and governmental authorities at the highest level was illustrated by the involvement of the anti-abduction police in the State in Morelos, including the Government Procurator, in a number of kidnappings. Although the present regime had made some progress in democratization, the human rights situation in Mexico reflected the high level of impunity of the Mexican authorities. Her organization urged the Commission to appoint a special rapporteur for Mexico. Similarly, it urged the Mexican Government: to disarm paramilitary groups and bring them to justice; to invite the Special Rapporteurs on extrajudicial executions and independence of the judiciary to visit the country; to ratify the Optional Protocol to the International Covenant on Civil and Political Rights; and to comply with the recommendations made by a number of intergovernmental human rights bodies.

58. Mr. CICERON (World Confederation of Labour) said that his organization was once again obliged to denounce repeated and flagrant violations of human rights and fundamental freedoms in a number of countries. Since its foundation in 1992, the Independent Trade Union Organization of Indonesia had been subjected to systematic harassment and repression by the Government.

Several of its leaders had served prison sentences, and a number of others, including the president of the organization, were currently imprisoned. Union meetings had also been broken up and official recognition of the organization refused.

59. In Côte d'Ivoire, the trade union organization had been granted legal status following repeated interventions by ILO, but some grass-roots organizations and supporters had been subjected to intimidation, dismissal and repression of peaceful demonstrations. In Guatemala, trade unionists were threatened with death, kidnapping and intimidation, and over recent years hundreds of persons had been massacred or tortured or become victims of involuntary disappearances. In Colombia, it was estimated that as many as 123 union leaders had been murdered in 1997.

60. His organization called on the Commission: to intervene in the countries mentioned on behalf of the victims of human rights violations; and to undertake an in-depth study of the involvement of transnational corporations in human rights violations in order to ensure that globalization went hand in hand with worldwide recognition of workers' rights.

61. Mr. BANDEY (International Education Development) said that the situation in Indian-occupied Jammu and Kashmir clearly fell within the purview of General Assembly resolutions 37/200, 34/175, and 32/130 relating to human rights and the Commission's role in their protection. His organization called for effective action by the international community. Indian armed forces, paramilitaries and hired renegades had consistently violated the human rights and fundamental freedoms of the Kashmiri people, causing the death of over 60,000 of them, and practising extrajudicial killings, involuntary disappearances, large-scale arbitrary detentions, and the torture and rape of women. His organization appealed to the Commission, in the light of those violations, to take all possible steps to secure the protection of the rights of the Kashmiri people. As a first step, full access to Indian-occupied Jammu and Kashmir must be provided to international human rights bodies and, as an earnest of its sincerity, India must reduce the number of its military and paramilitary forces and assume responsibility for the illegal actions of its hired renegades.

62. Mr. ZOLLER (International Service for Human Rights) said that his organization, which was primarily concerned with training human rights defenders wished to draw attention to the growing number of its trainees who had fallen victim to human rights outrages over the past two years: three participants in its training courses in Colombia had been murdered in 1997; a former trainee and subsequent member of the organization had been murdered in Burundi in 1996; two former bursary-holders had been jailed in Tunisia, the second receiving a three-year sentence for public order offences, dissemination of false information and incitement to law-breaking; and a former bursary-holder and his Turkish human rights association had been hauled before the Turkish courts in November 1997.

63. Since 1986, his organization had campaigned for the adoption of a United Nations declaration on the rights of human rights defenders, and welcomed its forthcoming adoption by the General Assembly. But until certain Governments, several of which were represented at the current session of the

Commission, ceased their attacks against human rights defence organizations, the declaration would remain a dead letter, as had indeed been vividly illustrated by the Government of Congo-Kinshasa's ban imposed on human rights organizations on the very day when the Commission had adopted the draft declaration. It was also disturbing to note the activities of some government delegations attending the current session, who were keeping bursary-holders and students under observation, photographing them and following them even into the buildings in which courses were being held. He appealed for the strongest possible political will to establish a mechanism for the protection of human rights defenders in the follow-up to the adoption of the declaration.

64. Mr. NASEEM (World Society of Victimology) said that the Special Rapporteur on extrajudicial, summary or arbitrary executions had reported (E/CN.4/1998/68) violations by India in all the categories covered by his mandate, most notably of the right to life by Indian armed forces and paramilitary personnel in Manipur and Indian-occupied Jammu and Kashmir. The report of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1998/43) also referred to such offences in Kashmir, as did the 1997 report of Amnesty International. Among the violations reported by both the Special Rapporteur on extrajudicial executions and the Special Rapporteur on violence against women were cases of rape by Indian military personnel. Among other victims whose killing had been already reported to the Commission were those of human rights activists. His organization was also gravely concerned about the safety of the leaders of the All-Parties Hurriyat Conference of Jammu and Kashmir, who had been denied the right to travel by the Indian Government.

65. Mr. HITAM (Malaysia), speaking in exercise of the right of reply, said that the statement made by the Inter-Parliamentary Union at the 44th meeting alleged that the decision of the Appeals Court to sentence an opposition Member of Parliament, Mr. Lim Guan Eng, constituted a curtailment of his right to freedom of speech, "prompted by other than judicial considerations". The facts were that Mr. Lim had been tried on two counts, namely publishing false information and sedition, and that he had been tried and sentenced by a court of law in full accordance with Malaysian judicial process. Also in accordance with that process, he had appealed against the judgement to the Appeals Court, which had not decreased but increased his sentence. In handing down that sentence, the Court had comprised three senior judges, and the decision could not be argued to have been based on other than judicial considerations. The Court had ruled that Mr. Lim's offences were too serious for only a fine, since he had attacked the credibility of the judiciary and implied that it had practised collective favouritism, dispensing justice inequitably. Mr. Lim had not yet exhausted all avenues of appeal since he had already filed four notices of appeal to the Federal Court.

66. Ms. GICHERU (Observer for Kenya), speaking in exercise of the right of reply, said that while she appreciated the close interest taken by the European Union in her country, some corrections needed to be made to the recent statement made on its behalf by the United Kingdom representative at the 42nd meeting. With regard to claims of ill-treatment of suspects by the police, some cases had indeed come to light, but they had been few and far between, and the police officers responsible had been arrested, tried and

convicted. There was no systematic pattern of torture or ill-treatment of suspects by the police, practices which were not condoned by her Government.

67. There had been concern about violence in parts of the Coast and Rift Valley provinces, and the Government had taken steps to strengthen security in the affected areas. In Rift Valley province, for example, the Government had established more administrative centres, including four new police stations. Intensive investigations, launched by the police, had resulted in 175 people being charged with various crimes, including murder, arson and incitement to violence. The police had also recovered an assortment of weapons. Calm had been restored in the affected areas, which now enjoyed sufficient security.

68. As to the general elections of December 1997, most of the problems experienced had been of a logistical nature, such as breakdowns in transport and communications. There had been no deliberate attempt on the part of the Government to manipulate the polls. The European Union's statement also made reference to law reform. She wished to state that Kenya was preparing a comprehensive review of its law, and on 2 April 1998, a 25-member inter-party parliamentary committee had been formed for that purpose. The committee comprised Members of Parliament from both the government and opposition parties, and would make proposals on the way the constitutional review should be carried out. Views from interested groups would also be taken into consideration. The entire process would therefore be inclusive, involving the participation of all segments of Kenyan society. Her Government remained committed to upholding human rights, and she hoped that the fears expressed by the United Kingdom representative on behalf of the European Union had been allayed.

69. Mr. AL-DURI (Observer for Iraq), speaking in exercise of the right of reply, said that the Fondation Danielle Mitterand was known for its hostility to Arabs and Muslims, which was the reason why it had chosen Iraq as the target for its venom. When it might have called for the lifting of the embargo which had led to the deaths of over 1 million children, it had chosen to participate in a campaign against his country. It was distorting the truth in order to influence the Commission and international public opinion. An example of that bias was the recent allegation by the Special Rapporteur that Iraq was transporting its oil through the Sahara in order to buy medicine. The aim of such allegations was to ensure that the sufferings of the Iraqi people continued. He hoped that the representative of Norway, who had repeated allegations by the Special Rapporteur, would take note of that point. As to the comments made by the representative of Kuwait, he reiterated that, acting in association with the Red Cross, Iraq would endeavour to find all persons who had disappeared, and that the commission set up for that purpose would continue to do its work with, he hoped, results that would be satisfactory to all parties.

70. Mr. RAZZOOQI (Observer for Kuwait), speaking in exercise of the right of reply, said that Iraq had accepted Security Council resolution 686 (1991), concerning the release of prisoners of war, which, in accordance with Chapter VII of the Charter, was mandatory, but since March 1991 no progress had been made with regard to Kuwaiti missing persons. While welcoming any action taken to release Kuwaiti prisoners of war, he doubted the credibility

of the statement made by the representative of Iraq that that country was earnestly working to secure the release of those prisoners. That was a national issue for Kuwait. Six hundred prisoners of war for a country with a population of only 600,000 was a number that affected almost every family. What Iraq had signed, Iraq must accept and do. Statements would not suffice. Kuwaitis wished to see their prisoners of war and other missing persons. After a lapse of seven years, it was clear that there was something wrong, which was why his country approached the Commission and asked for its support in ensuring that its loved ones were released.

71. Mr. AL-DURI (Observer for Iraq), speaking in exercise of the right of reply, said that he did not wish to enter into a dialogue with the representative of Kuwait. He had already clearly stated that Iraq accepted the principle and was working in association with the Red Cross with a view to finding a solution for both missing Kuwaitis and Iraqis. He could have wished that the representative of Kuwait had accepted his expression of good intentions and desire to ascertain the truth.

72. Mr. RAZZOOOI (Observer for Kuwait), speaking in exercise of the right of reply, said that the issue involved was not trivial. It was one that touched upon a destiny and national policy, and many things of great importance to the Kuwaiti people. What he had said was that Iraq was a party to a number of international humanitarian instruments, including the Third Geneva Convention relating to prisoners of war, and the Fourth Geneva Convention. What Kuwait required of Iraq was that it should honour its responsibility under international law by releasing its prisoners of war. As to cooperation since the cessation of the hostilities in 1991, nothing had been heard. Doubts were therefore natural. What was wanted was deeds, results and the return of Kuwait's loved ones.

73. Mr. HASSAN (Observer for Jordan), speaking in exercise of the right of reply, said that, at the 45th meeting, the representative of the Arab Organization for Human Rights had referred to the temporary law on publications adopted by Jordan in 1997. The Government had introduced that temporary law with the intention of preventing the abuse of freedom of speech. The protection of the freedom of the press was part and parcel of Jordan's democracy and in full accord with the spirit of its Constitution. In fact, what had happened was that the law had been submitted for consideration by the Supreme Court, which had ordered its abrogation, a decision subsequently carried out by the Government, in accordance with its respect of the independence of the judiciary. It was regrettable that an NGO with so much concern for freedom of the press had failed to inform itself of the Supreme Court's decision and the Jordanian Government's prompt response.

74. Mr. HAFEZ (Observer for Egypt), speaking in exercise of the right of reply, said that the Arab Organization for Human Rights had made allegations about the trial of civilians before military courts. The fact was that trial by military courts was strictly reserved for crimes against State security, and in such cases the rights of the defence were fully safeguarded. Recourse was had to the military courts only in cases where it was necessary to protect public order, particularly where terrorism was involved, whether perpetrated

by foreigners or Egyptians. Egyptian justice spared no effort to ensure that the right to life was respected by both foreigners and nationals, and the law was applied objectively in all cases.

75. The International Federation of Rural Adult Catholic Movements had referred to the right to agricultural property in Egypt, and stated that some people had been imprisoned and tortured. He wished to state that the law on the leasing of certain agricultural land set a deadline for those using the land to regularize their situation. In the past, leases could be passed down from father to son, which had led to many production difficulties. Farmers had welcomed the change in their situation, and had received other plots of land in compensation for losses resulting from the reform. The allegations about torture and imprisonment of persons participating in demonstrations were untrue. All NGOs should make sure that what they alleged was true, and carefully scrutinize their sources of information.

The meeting rose at 8.50 p.m.